

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of

Deployment of Wireline Services Offering
Advanced Telecommunications Services

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CC Docket No. 98-147

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**REPLY OF BELL ATLANTIC¹ TO AT&T COMMENTS
IN SUPPORT OF SPRINT PETITION FOR RECONSIDERATION**

AT&T is the only commenter that supports Sprint's petition for reconsideration and/or clarification, and its cursory pleading is as devoid of legal and factual support as Sprint's. AT&T also displays the same indifference as Sprint to the incumbent local exchange carriers' obligations to maintain a secure central office environment and to assign central office space in the most efficient manner for all carriers, including themselves. In contrast, the parties opposing Sprint's petition present substantial evidence that Sprint's proposals would make it impossible for the local exchange carriers to protect the network and to meet growing demand for telephone service in a cost-effective manner.²

¹ The Bell Atlantic telephone companies ("Bell Atlantic") are Bell Atlantic-Delaware, Inc.; Bell Atlantic-Maryland, Inc.; Bell Atlantic-New Jersey, Inc.; Bell Atlantic-Pennsylvania, Inc.; Bell Atlantic-Virginia, Inc.; Bell Atlantic-Washington, DC, Inc.; Bell Atlantic-West Virginia, Inc.; New York Telephone Company and New England Telephone and Telegraph Company.

² Oppositions to Sprint's petition were filed by the United States Telephone Association, GTE, BellSouth, Ameritech, SBC, and US West.

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List A B C D E

Like Sprint, AT&T (at 2) misinterprets the Advanced Services Order, 15 Comm. Reg. (P&F) 553 (rel. Mar. 31, 1999) (“Order”), arguing that it prohibits an incumbent local exchange carrier from using cages or other similar structural separation measures to secure its own equipment. However, as Bell Atlantic and other commenters pointed out,³ the order makes it perfectly clear that a local exchange carrier “may take reasonable steps to protect its own equipment, such as enclosing the equipment in its own cage, and other reasonable security measures.” Id., ¶ 42. The Commission agreed with the incumbent local exchange carriers that such protective measures are “crucial to the incumbents’ own ability to offer service to their customers.” Id., ¶ 48.

As the Commission itself has recognized, the need to maintain security in a central office environment is real. An outage in a central office can affect the health, safety, and economic welfare of large numbers of residential and business customers. For example, a central office fire in the Bushwick section of New York City in 1987 shut down service to over 41,000 customers in a 200 block area, and it was over a week before service was restored on many lines. *See* Elizabeth Neuffer, *In Brooklyn, Life Without Telephones*, NEW YORK TIMES, Feb. 20, 1987 at B3. Central offices are crowded with sensitive electronic equipment that can be damaged easily (even if inadvertently), with catastrophic results. Just recently, a fire started in a Canada Bell central office when an unsupervised contractor dropped a tool and shorted out electrical equipment. The fire knocked out most of the 113,000 lines in the office, causing widespread disruption to

³ *See, e.g.*, Bell Atlantic at 2; SBC at 2; BellSouth at 7.

business activities and to emergency and health services in every sector of the community.⁴

Because the effect on the public welfare from such breakdowns in the telephone network is so severe and widespread, the local exchange carriers typically apply strict security procedures for all personnel that perform work within a central office. This includes their own employees, independent contractors, and collocater personnel. In the case of collocators in particular, measures are necessary to ensure that a collocator only has access to its own equipment, as a collocator's technician is not under the supervision or control of the local exchange company, and is likely to be unfamiliar with the operations in the rest of the office. Collocation need not reduce the security of a central office, *provided* that the local exchange carriers are allowed to make accommodations for the unique circumstances involved in permitting access to a central office by personnel from multiple non-affiliated companies.

The Advanced Services Order states that the local exchange carriers may establish reasonable security measures for collocation, and that they may recover the costs of

⁴ *See* Peter Cheney, *Phones Go Dead, Toronto Put On Hold*, TORONTO GLOBE & MAIL, July 17, 1999 at A1. Among the hardships caused by these outages: hospitals lost service and could not handle emergency calls; 911 service was impaired and police stations lost phone lines and computer systems; brokerage houses could not process trades; poison information and medical information lines were shut down; traffic light sequencing went out; credit card transactions nationwide could not be processed; and many banks could not access their systems and simply closed their doors.

implementing these measures from the collocators.⁵ In many cases, a simple physical barrier to provide security for the incumbent's equipment, such as a cage or a wire screen, is more effective, and far cheaper, than "active" security measures, such as the "security cameras or other monitoring systems" that are mentioned in the order as other examples of reasonable security measures. *See id.* It is in the interests of both the collocators, who will bear the costs of these security measures, and the incumbent local exchange carriers, who will have to justify the reasonableness of their security costs to the state regulatory commissions, to develop the most cost-effective security procedures for collocation.

As a result, if the local exchange carriers were to use only active security measures, the result typically would be an increase in cost to go along with a reduction in security. Video monitoring may help in some instances to identify the cause of damage after it occurs, but it often is far less effective at preventing such damage. In most cases, a combination of a cage or similar physical barrier and other security measures such as card readers to control access is likely to be the least cost, most effective approach.⁶

⁵ *See Order*, ¶ 48. On July 22, 1999, Network Access Solutions ("NAS") filed "Reply Comments" that are actually a new proposal to reconsider the Commission's order. NAS seeks to impose a new requirement that the security costs for "cageless" collocation should be less than the security costs inherent in traditional physical collocation. These comments far exceed the scope of Sprint's petition and are barred by the statutory time limit on petitions for reconsideration. *See* 47 U.S.C. § 405(a). In addition, there is no basis for NAS's allegations that Bell Atlantic, in particular, plans to file excessive security charges in the state collocation proceedings. Indeed, as is shown herein, Bell Atlantic advocates the least cost solution to ensuring security in a collocated environment.

⁶ NAS's allegations (at 2) that a combination of security measures will be "extravagant" has no basis. In fact, Bell Atlantic plans to develop modest recurring monthly rates for security arrangements that will minimize the entry costs for cageless collocation.

Accordingly, the Commission was correct to expressly allow the local exchange carriers to include cages and similar physical protective barriers in their security arrangements.

In contrast, Sprint's proposal to require local exchange carriers to "commingle" collocator equipment in the same bay or lineup with the local exchange carrier's own equipment would effectively eliminate any means of securing that equipment, and must be rejected. Indeed, the order itself makes it perfectly clear that the minimum amount of collocation space is a single bay, which precludes the very type of "commingling" proposed by Sprint in its petition. *See id.*, ¶ 43; BellSouth at 6; GTE at 5. This ruling explicitly rejected Sprint's previous request during the comment cycle in this proceeding that the Commission allow collocators to commingle their equipment with the local exchange carrier's. *See* SBC at 4, citing Sprint Comments, filed September 25, 1998.

The Commission rejected Sprint's commingling proposal for good reason. As Bell Atlantic and the other commenters demonstrated, Sprint's commingling proposal would make it impossible for incumbent local exchange carriers to ensure the integrity of service to the public, whether the cause of an outage is intentional or inadvertent. *See, e.g.*, Bell Atlantic at 4-5; US West at 4-7. The attached photographs demonstrate that placement of collocator equipment in a vacant rack among the incumbent local exchange carrier's equipment would make it impossible to prevent a technician from making contact with the wrong equipment. This contact may well be inadvertent; after all, tool belts can get snagged, tools can get dropped, and technicians can accidentally back into someone else's equipment when working in close quarters.

Moreover, as these photos make clear, it simply would not be possible under these circumstances to “fence off” the rest of the equipment in a bay from a single collocater’s rack, and video surveillance would be ineffective. Even if security cameras were monitored 24 hours a day, it often is not possible to determine which piece of equipment a technician in these close quarters is working on, let alone determine whether he or she makes contact with someone else’s equipment. Moreover, identification of the persons who were in the vicinity when the network went down would mean little to the customers who would suffer the consequences. Accordingly, the Commission should reject Sprint’s “commingling” proposal, which is inconsistent with the Commission’s rulings on both security arrangements and the minimum size of a collocation space.

AT&T also supports Sprint’s other requests for clarification and/or reconsideration concerning the local exchange carrier’s reservation of space for future use, proposed standard intervals for furnishing collocation, and making the local exchange carrier the initial point of contact for claims of service degradation between collocators. Like Sprint, AT&T does not offer a shred of factual or legal justification for these proposed modifications to the Commission’s order.

In contrast, the other commenters convincingly demonstrated that Sprint’s proposal to limit the local exchange carriers to a one-year planning horizon for equipment expansion would be grossly inefficient, resulting in the scattering of equipment throughout a central office and leaving essentially no one in charge of designing the layout of a central office. *See, e.g.*, SBC at 5-10; BellSouth at 8-11. Both the incumbent local exchange carriers and the collocators need the ability to group similar equipment in

common locations and provide for growth in adjacent areas. *See* SBC at 8; *see also* Local Exchange Carriers' Rates, Terms, And Conditions For Expanded Interconnection Through Physical Collocation For Special Access And Switched Transport, 12 FCC Rcd 18730 at ¶ 331 (1997). AT&T argues that a one-year planning horizon should be required where an incumbent local exchange carrier claims that space in a central office is exhausted, but the Commission has already required the local exchange carrier to justify any claims of space exhaustion to the state commission.⁷ The Commission should not restrict the state's discretion in determining the availability of space in each central office.

The other commenters also demonstrated that the Commission properly left it to the state commissions to determine if the local exchange carrier's collocation provisioning intervals are reasonable. AT&T offers nothing new in echoing Sprint's request that the Commission prescribe minimum periods of 90 days for previously conditioned space and 180 days for non-conditioned space. With no facts in the record, the Commission would have no basis for such prescriptions. Moreover, there is no basis for assuming that the state commissions will not be able to determine reasonable intervals, especially since the states already have experience with the provisioning of state collocation arrangements.

⁷ *See* Order, ¶¶ 56-57. It is highly unlikely that either AT&T or Sprint could demonstrate that they follow a one-year planning horizon in managing space utilization within their own switching offices. Carriers normally consider the life cycle of a major equipment such as switches in planning for expansion and for installation of associated equipment.

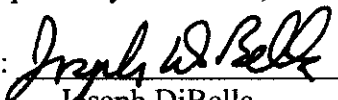
Finally, AT&T offers no justification for its support of Sprint's proposal to interject the local exchange carrier in disputes between two collocators concerning interference between their facilities. The other commenters agree with Bell Atlantic that this would be counterproductive, as the local exchange carriers would "bear the brunt of customer wrath" where they were not at fault, or even involved. *See* Ameritech at 6-7; BellSouth at 11-12. The Commission's decision to require the carrier complaining of service degradation to contact the causing carrier directly will ensure the most timely resolution of disputes. *See* Order, ¶ 75.

Conclusion

For these reasons, there is no basis in Sprint's petition, or in AT&T's comments, for reconsideration of the Advanced Services Order. Sprint's petition should be denied.

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of July, 1999, copies of the forgoing "Reply to AT&T Comments in Support of Sprint Petition for Reconsideration" were sent by first class mail, postage prepaid, to the parties on the attached list.

A handwritten signature in cursive script, appearing to read "Jennifer L. Hoh", is written over a horizontal line.

Jennifer L. Hoh

* Via hand delivery.

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